JS 44 (Rev. 07/16)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS
Lewis, Latoya

DEFENDANTS
US Airways Inc., American Airlines, Inc., and American Airlines Group, Inc.

(b) County of Residence of First Listed Plaintiff: Philadelphia, PA
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant: Maricopa, AZ
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
Messa & Associates, P.C.
123 South 22nd Street
Philadelphia, PA 19103
215-568-3500

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question *(U.S. Government Not a Party)*
- ☐ 2 U.S. Government Defendant
- ☒ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☒ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☒ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☒ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
- ☐ 365 Personal Injury - Product Liability
- ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 440 Other Civil Rights
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 448 Education

PRISONER PETITIONS

Habeas Corpus:
- ☐ 463 Alien Detainee
- ☐ 510 Motions to Vacate Sentence
- ☐ 530 General
- ☐ 535 Death Penalty

Other:
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition
- ☐ 560 Civil Detainee - Conditions of Confinement

FORFEITURE/PENALTY
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Management Relations
- ☐ 740 Railway Labor Act
- ☐ 751 Family and Medical Leave Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Employee Retirement Income Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 375 False Claims Act
- ☐ 376 Qui Tam (31 USC 3729(a))
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit
- ☐ 490 Cable/Sat TV
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 893 Environmental Matters
- ☐ 895 Freedom of Information Act
- ☐ 896 Arbitration
- ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes

V. ORIGIN *(Place an "X" in One Box Only)*

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District *(specify)*
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*:
28 U.S.C. 1332

Brief description of cause:
Personal Injury on an Airplane (Negligence)

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND $ Excess Arbit. Limits

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE ______ DOCKET NUMBER ______

DATE: 2/28/17

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # ______ AMOUNT ______ APPLYING IFP ______ JUDGE ______ MAG. JUDGE ______

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 3321 Jasper Street, Apt. A., Philadelphia, PA 19134

Address of Defendant: 4000 E. Sky Harbor Blvd., Phoenix, AZ 85034

Place of Accident, Incident or Transaction: Charlotte, NC

(*Use Reverse Side For Additional Space*)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes☐ No☐

Does this case involve multidistrict litigation possibilities? Yes☐ No☐

RELATED CASE, IF ANY:

Case Number: ______ Judge ______ Date Terminated: ______

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes☐ No☑

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes☐ No☑

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? Yes☐ No☑

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes☐ No☑

CIVIL: (Place ✔ in ONE CATEGORY ONLY)

A. *Federal Question Cases:*

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify) ______

B. *Diversity Jurisdiction Cases:*

1. ☐ Insurance Contract and Other Contracts
2. ☑ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify) ______

ARBITRATION CERTIFICATION

(*Check Appropriate Category*)

I, Ramon A. Arreola, counsel of record do hereby certify:

☑ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of $150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

DATE: Feb. 28, 2017 ______ [signature] Attorney-at-Law PA 205499 Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: Feb. 28, 2017 ______ [signature] Attorney-at-Law PA 205499 Attorney I.D.#

CIV. 609 (5/2012)

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

Latoya Lewis	:	CIVIL ACTION
	:	
v.	:	
	:	
US Airways Inc., American Airlines,	:	
Inc. & American Airlines Group, Inc.	:	

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

(a) Habeas Corpus – Cases brought under 28 U.S.C.§ 2241 through § 2255. ( )

(b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )

(c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2 ( )

(d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )

(e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )

(f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

February 28, 2017	Ramon A. Arreola	Plaintiff
Date	**Attorney-at-law**	**Attorney for**
215-568-3500	215-568-3501	RArreola@messalaw.comm
Telephone	**Fax Number**	**Email Address**

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LATOYA LEWIS 3321 Jasper Street, Apt A Philadelphia, PA 19134, Plaintiff, vs. **US AIRWAYS INC.** 4000 E. Sky Harbor Boulevard Phoenix, AZ 85034, and **AMERICAN AIRLINES, INC.** 4333 Amon Carter Boulevard Fort Worth, TX 76155, and **AMERICAN AIRLINES GROUP, INC.** 4333 Amon Carter Boulevard Fort Worth, TX 76155, Defendants.	No.

PLAINTIFF'S COMPLAINT

Plaintiff, Latoya Lewis, by and through her undersigned counsel, herein complains and demands damages, upon the causes of action set forth below:

I. PARTIES AND VENUE

1. Plaintiff, Latoya Lewis is an adult individual currently residing in the Commonwealth of Pennsylvania.

2. Defendant, US Airways, Inc. ("US Airways") is upon information and belief an Arizona corporation with a principal place of business in the State of Arizona located at 4000 E. Sky Harbor Boulevard, Phoenix, Arizona 85034.

3. At all times relevant hereto, US Airways regularly and systemically conducted continuous and substantial business in the Commonwealth of Pennsylvania, including Philadelphia County, through its sale, marketing, and provision of travel services.

4. Defendant, American Airlines Inc. is a Delaware corporation with a principal place of business located at 4333 Amon Carter Boulevard, Fort Worth, TX 76155.

5. Defendant, America Airlines Group, Inc. is the parent company of American Airlines, Inc (collectively "American Airlines").

6. American Airlines Group, Inc.'s principal place of business is located at 4333 Amon Carter Boulevard, Fort Worth, TX 76155.

7. Upon information and belief, US Airways merged with American Airlines on December 28, 2015.

8. At all times relevant hereto, American Airlines regularly and systemically conducted continuous and substantial business in the Commonwealth of Pennsylvania, including Philadelphia County, through its sale, marketing, and provision of travel services.

9. Venue is proper in the Eastern District of Pennsylvania pursuant to 28 U.S.C. 1391(b)(2), insofar as a substantial part of the events or omissions giving rise to the claim occurred in the Eastern District.

II. FACTUAL BACKGROUND

10. On September 11, 2015, Ms. Lewis was a passenger on American Airlines flight 1798.

11. At all times relevant hereto, Defendants acted and/or failed to act through their agents, servants, employees, predecessors, successors, and/or workmen, and accordingly, any negligent act and/or omission committed by the Defendants' agents, servants, employees, predecessors, successors, and/or workmen imposes liability on Defendants under the laws of agency, *respondeat superior,* and/or vicarious liability.

12. At all times relevant hereto, Ms. Lewis was a business invitee of Defendants and, therefore, Defendants owed her the highest duty under the law for her safety, health, and well-being.

13. At all times relevant hereto, Ms. Lewis required the use of a wheelchair for boarding and disembarking airplanes.

14. Prior to boarding the flight, Ms. Lewis had been using her personal wheelchair.

15. In order to board the flight, American Airlines/US Airways' employees, agents, and/or workmen transferred Ms. Lewis to an American Airlines/US Airways wheelchair.

16. After Ms. Lewis was transferred to the American Airlines/US Airways wheelchair, an employee, agents, and/or workman of American Airlines/US Airways transported her onto the airplane.

17. While she was being transported onto the airplane, the American Airlines/ US Airways employees, agents, and/or workmen negligently, carelessly, and/or recklessly operated

the American Airlines/US Airways wheelchair when said individual caused Ms. Lewis' leg to become entangled under a passenger seat resulting in serious and permanent injuries to Ms. Lewis.

18. Upon information and belief, the American Airlines/US Airways employees, agents and/or workmen failed to properly secure Ms. Lewis in the wheelchair, including the proper securing of her torso and legs.

19. Prior to the incident, Defendants knew or should have known that wheelchair bound passengers could be seriously harmed and/or injured by the negligent, careless and/or reckless operation of American Airlines/US Airways wheelchairs.

20. Defendants, individually and/or collectively, owed a duty to inspect American Airlines/US Airways wheelchairs which were used to transport passengers.

21. Defendants, individually and/or collectively, had a duty to hire, train, and retain competent employees, contractors, agents and/or workmen who were responsible for the transport, transfer and/or supervision of wheelchair bound passengers.

22. Defendants, individually and/or collectively had actual and/or constructive notice that their employees, agents, and/or workmen failed to appropriately secure and/or transport Ms. Lewis on the American Airlines/US Airways wheelchair.

23. At all times relevant hereto, Defendants failed to properly maintain Defendants' airplane and/or equipment from unreasonably dangerous and hazardous conditions which could harm passengers, such as Ms. Lewis.

24. At all times relevant hereto, Defendants failed to properly hire, train, and/or retain competent employees, agents and/or workmen.

25. At all times relevant hereto, Defendants failed to provide adequate and/or suitable wheelchair transportation for loading and/or unloading disabled passengers from Defendants' aircraft.

26. As a direct, proximate, and substantial result of the negligent, careless, and reckless operation of the wheelchair Ms. Lewis suffered serious and permanent injuries, including but not limited to a distal comminuted fracture of her right femur, post-traumatic osteoarthritis of her right knee, and right knee injuries and symptoms, impairments, and limitations caused by the aforementioned injuries, as well as other contusions and bruises, all of which are serious and permanent in nature and constitute a serious impairment of a bodily function, required medical attention, caused her to suffer great pain and suffering, loss of life's enjoyment, potential diminishment of earning capacity, potential loss of wages, medical expenses, scarring and/or disfigurement, embarrassment and humiliation, and other emotional, financial and physical injuries.

27. As a direct, proximate, and substantial result of Defendants' individual and/or collective negligence, carelessness, and recklessness as herein described, Ms. Lewis required medical treatment and care and may require care in the future, including surgery, which would not have been necessary but for Defendants' negligence.

28. As a direct, proximate, and substantial result of Defendants' individual and/or collective negligence, carelessness, and recklessness as herein described, Ms. Lewis has suffered and will suffer in the future pain and suffering, scarring, disfigurement, humiliation, embarrassment, inconvenience, aches and pains, restrictions of movement, and the loss of ability to engage in and enjoy normal pursuits and activities of daily living.

29. As a direct, proximate, and substantial result of Defendants' individual and/or collective negligence, carelessness, and recklessness as herein described, Ms. Lewis has developed or may develop in the future painful conditions and/or arthritic conditions and/or other future medical complications due to her injuries.

30. As a direct, proximate, and substantial result of Defendants' individual and/or collective negligence, carelessness, and recklessness as herein described, Ms. Lewis has incurred and may incur in the future medical expenses due to her injuries.

31. As a direct, proximate, and substantial result of Defendants' individual and/or collective negligence, carelessness, and recklessness as herein described, Ms. Lewis has suffered lost earnings, and may in the future suffer a loss of earnings and/or earnings capacity.

COUNT I - NEGLIGENCE
PLAINTIFF LATOYA LEWIS V. ALL DEFENDANTS

32. The above paragraphs are incorporated herein by reference as if the same were fully set forth herein.

33. Defendants US Airways and American Airlines, individually and/or collectively owned, possessed, controlled, supervised, leased, maintained, and/or were otherwise responsible for the aircraft and wheelchair involved in Ms. Lewis' incident and had an obligation to ensure the safety of the aircraft and wheelchair as described herein.

34. Defendants US Airways and American Airlines, negligently, carelessly, and recklessly breached the duties it owed Ms. Lewis and the public at large by:

a. Failing to maintain the airplane and wheelchair in a reasonably safe condition;

b. Failing to provide Plaintiff a safe means of boarding and exiting the airplane;

c. Failing to properly inspect Defendants' airplane and wheelchair for hazardous conditions;

d. Failing to coordinate with Defendants agents, employees, and/or workmen to ensure that Ms. Lewis would be safely transported on and off the airplane;

e. Failing to design, maintain, engineer, fabricate, plan, plot, supervise and/or establish proper procedures for transporting wheelchair bound passengers on and off airplanes;

f. Failing to warn Plaintiff of the dangerous conditions created and/or permitted to exist by Defendants;

g. Failing to adopt, enact, employ, and/or enforce proper and adequate safety programs;

h. Failing to use an adequate and/or appropriate wheelchair to transport wheelchair bound patients on and/off of Defendants' airplane;

i. Failing to identify dangerous conditions of the airplane and/or wheelchair;

j. Failing to appropriately brace and/or secure Ms. Lewis in Defendants' wheelchair;

k. Failing to adequately and/or properly maintain, inspect, and/or repair Defendants' wheelchair;

l. Failing to recognize, correct, and/or warn against the dangerous condition posed by failing to appropriately secure Ms. Lewis in the wheelchair;

m. Failing to recognize, correct, and/or warn against the dangerous condition posed by the condition of the wheelchair and/or airplane;

n. Failing to discover unreasonably dangerous conditions on the airplane and/or wheelchair, failing to take reasonable measures to remove correct, protect, and/or warn those, specifically Ms. Lewis, of the same;

o. Failing to use adequate materials and/or equipment to transport passengers;

p. Failing to act reasonable under the circumstances;

q. Failing to hire, train, and retain competent employees, agents, and/or workmen; and

r. Violating applicable codes, regulations and standards.

35. As a direct, factual and proximate result of Defendants' negligence, carelessness, and recklessness, Ms. Lewis suffered and continues to suffer from the injuries and damages described above and incorporated by reference herein.

WHEREFORE, Plaintiff demands damages against the Defendants, jointly and severally, in a sum in excess of One Hundred and Fifty Thousand Dollars ($150,000.00), exclusive of interest and allowable costs of suit and brings this action to recover same. Plaintiff further demands punitive damages.

THE PLAINTIFF CLAIMS TRIAL BY JURY.

Respectfully submitted,

MESSA & ASSOCIATES, P.C.

By: ______________________________
Ramon A. Arreola
Attorneys for Plaintiff

Dated: February 28, 2017